

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re:	DAMON M. SWANK	:	Case No. 19-53851
	SARA L. SWANK	:	Chapter 13
	Debtor(s)	:	Judge Jeffery P. Hopkins

TRUSTEE'S MOTION TO MODIFY CHAPTER 13 PLAN

Now comes Faye D. English, Chapter 13 Trustee, and moves this Court for Modification of Debtors' Chapter 13 Plan, pursuant to 11 U.S.C. § 1329(a) and Fed. R. Bankr. P. 3015. Support for this Motion is set forth below.

MEMORANDUM IN SUPPORT

Debtors' Chapter 13 Plan was confirmed on December 13, 2019, and provides for a dividend of 1.4% to unsecured creditors. The plan has not been previously modified.

The Debtors have reported to the Trustee that there is additional disposable income due to a tax refund. The Trustee seeks to administer the sum of \$5,738.00 from the Debtors' 2019 tax refund and raise the dividend paid to unsecured creditors to 16.077%. The proposed modification does not adversely affect creditors and meets the applicable commitment period of 36 months.

Wherefore, the Trustee respectfully requests that this Court enter an Order modifying the Plan as set forth above pursuant to 11 U.S.C. § 1329 and granting such other and further relief as the Court deems just and proper.

Respectfully Submitted,

/s/ Faye D. English

Faye D. English
Chapter 13 Trustee
10 West Broad Street, Suite 1600
Columbus, Ohio 43215-3419
Telephone: 614-420-2555
Facsimile: 614-420-2550

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Trustee's Motion to Modify Chapter 13 Plan was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on 2/7/2020 addressed to:

Damon M. Swank
Sara L. Swank
635 Mclean St.
Washington Ct. House, Oh 43160

/s/ Faye D. English
Faye D. English (0075557), Chapter 13 Trustee